HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

Writ Appeal No.379 of 2007

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Between:

The Managing Committee,
Dargah Hazarath Shahbaz Hussaini,
China Town, Guntur, represented by
its Joint Secretary, Mr. M.A. Gaffar,
S/o. Shaikh Dawood Saheb,
Aged about 65 years,
R/o. Guntur Town, Guntur District

…Appellant

And

Sk. Jani Begum and another

….Respondents

:: J U D G M E N T ::

Counsel for the appellant : Shri M. Satyanarayana Goud

Counsel for respondent No.1 : Shri T. Jagan Mohan Reddy

Counsel for respondent No.2 : Shri Mohd. Asifuddin

1st May, 2007

Per G.S. SINGHVI, CJ

This appeal is directed against order dated 5-4-2007 passed by the learned Single Judge in Writ Petition No.7018 of 2007, whereby he directed the respondents not to interfere with the possession of the petitioner for period of one week.

We have heard Shri M. Satyanarayana Goud for the appellant, Shri T. Jagan Mohan Reddy for respondent No.1 and Shri Mohd. Asifuddin for respondent No.2.

A perusal of the record shows that there is a serious controversy between the parties on the entitlement of respondent No.1 to remain in possession of the land measuring Acs.2.00 comprised in Survey Nos.1198 and 1201, Ponnur Road, Guntur Town, which was leased out to her by Andhra Pradesh State Wakf Board and the entitlement of the appellant to lay claim over the disputed land. Therefore, we do not consider it necessary to record a detailed order because learned counsel for the appellant and learned counsel for respondent No.1 agreed that their respective clients will maintain status quo as it is obtaining today.

In view of the above, the appeal is disposed of with the direction that the parties shall maintain status quo in respect of the disputed land as it is obtaining today. This would necessarily mean that if respondent No.1 is in possession of the land, then her possession shall not be disturbed. If on the other hand, the appellant has already taken possession, then respondent No.1 shall not be entitled to retrieve possession on the basis of this order.

As a sequel to disposal of the appeal in the manner indicated above, WAMP. No. 715 of 2007 filed by the appellant for suspending the operation of the order impugned in the appeal is disposed of as infructuous.

Before parting with the case, we deem it proper to take cognizance of the statement made by Shri T. Jagan Mohan Reddy that the interim order which is challenged in this appeal was extended on 13-4-2007, and make it clear that the order of status quo passed today

will operate qua order dated 13-4-2007 as well.

G.S.SINGHVI, CJ

1st May, 2007

C.V.NAGARJUNA REDDY, J

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